



PTO/SB/17 (01-06)

Approved for use through 07/31/2006. OMB 0651-0032

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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Fees pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4818).

FEE TRANSMITTAL
For FY 2006☐ Applicant claims small entity status. See 37 CFR 1.27**TOTAL AMOUNT OF PAYMENT** (\$) 1,540.00**Complete if Known**

Application Number	10/670,692
Filing Date	September 25, 2003
First Named Inventor	LAWRENCE A. STABILE
Examiner Name	Emerson C. Puente
Art Unit	2113
Attorney Docket No.	019287-0317335

METHOD OF PAYMENT (check all that apply)

☐ Check ☐ Credit Card ☐ Money Order ☐ None ☐ Other (please identify): _____

☒ Deposit Account Deposit Account Number: 033975 Deposit Account Name: PILLSBURY WINTHROP SHAW PITTMAN LLP

For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)

☒ Charge fee(s) indicated below ☐ Charge fee(s) indicated below, except for the filing fee

☒ Charge any additional fee(s) or underpayments of fee(s) under 37 CFR 1.16 and 1.17 ☒ Credit any overpayments

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

FEE CALCULATION (All the fees below are due upon filing or may be subject to a surcharge.)**1. BASIC FILING, SEARCH, AND EXAMINATION FEES**

Application Type	FILING FEES		SEARCH FEES		EXAMINATION FEES		Fees Paid (\$)
	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	
Utility	300	150	500	250	200	100	
Design	200	100	100	50	130	65	
Plant	200	100	300	150	160	80	
Reissue	300	150	500	250	600	300	
Provisional	200	100	0	0	0	0	

2. EXCESS CLAIM FEES**Fee Description**

Each claim over 20 (including Reissues)

Each independent claim over 3 (including Reissues)

Multiple dependent claims

Fee (\$)	Small Entity Fee (\$)
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50 25

200 100

360 180

Total Claims	Extra Claims	Fee (\$)	Fee Paid (\$)
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- 20 or HP = _____ x _____ = _____

HP = highest number of total claims paid for, if greater than 20.

Indep. Claims	Extra Claims	Fee (\$)	Fee Paid (\$)
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- 3 or HP = _____ x _____ = _____

HP = highest number of independent claims paid for, if greater than 3.

3. APPLICATION SIZE FEE

If the specification and drawings exceed 100 sheets of paper (excluding electronically filed sequence or computer listings under 37 CFR 1.52(e)), the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).

Total Sheets	Extra Sheets	Number of each additional 50 or fraction thereof	Fee (\$)	Fee Paid (\$)
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_____ - 100 = _____ / 50 = _____ (round up to a whole number) x 250.00 = 0.00

4. OTHER FEE(S)

Non-English Specification, \$130 fee (no small entity discount)

Other (e.g., late filing surcharge): Petition to Revive

Fees Paid (\$)

1,540.00

SUBMITTED BY

Signature		Registration No. (Attorney/Agent)	58780	Telephone	703.770.7540
Name (Print/Type)	Syed Jafar Ali	Date	October 26, 2007		

This collection of information is required by 37 CFR 1.136. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 30 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.



Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT
ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)**

Docket Number (Optional)
019287-0317335

First named inventor: Lawrence A. STABILE

Application No.: 10/670,692

Art Unit: 2113

Filed: 09/25/2003

Examiner: Emerson C. Puente

Title: NETWORK FAULT MANAGER FOR MAINTAINING ALARM CONDITIONS

Attention: Office of Petitions
Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450
FAX (571) 273-8300

10/29/2007 CHGUYEN2 00000036 033975 10,70692

01 FC:1453 1540.00 DA

NOTE: If information or assistance is needed in completing this form, please contact Petitions Information at (571) 272-3282.

The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the office notice or action plus an extensions of time actually obtained.

APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION

NOTE: A grantable petition requires the following items:

- (1) Petition fee;
- (2) Reply and/or issue fee;
- (3) Terminal disclaimer with disclaimer fee - required for all utility and plant applications filed before June 8, 1995; and for all design applications; and
- (4) Statement that the entire delay was unintentional.

1. Petition fee

☐ Small entity-fee \$ _____ (37 CFR 1.17(m)). Applicant claims small entity status. See 37 CFR 1.27.

☒ Other than small entity - fee \$ 1,540.00 (37 CFR 1.17(m))

2. Reply and/or fee

A. The reply and/or fee to the above-noted Office action in the form of _____ (identify type of reply):

- ☐ has been filed previously on _____
☐ is enclosed herewith.

B. The issue fee and publication fee (if applicable) of \$ 1,440.00

- ☐ has been paid previously on _____
☒ is enclosed herewith.

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This collection of information is required by 37 CFR 1.137(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 1.0 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

3. Terminal disclaimer with disclaimer fee

☒ Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.

☐ A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$ _____ for a small entity or \$ _____ for other than a small entity) disclaiming the required period of time is enclosed herewith (see PTO/SB/63).

4. STATEMENT: The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional. [NOTE: The United States Patent and Trademark Office may require additional information if there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137(b) was unintentional (MPEP 711.03(c), subsections (III)(C) and (D)).]

WARNING:

Petitioner/applicant is cautioned to avoid submitting personal information in documents filed in a patent application that may contribute to identity theft. Personal information such as social security numbers, bank account numbers, or credit card numbers (other than a check or credit card authorization form PTO-2038 submitted for payment purposes) is never required by the USPTO to support a petition or an application. If this type of personal information is included in documents submitted to the USPTO, petitioners/applicants should consider redacting such personal information from the documents before submitting them to the USPTO. Petitioner/applicant is advised that the record of a patent application is available to the public after publication of the application (unless a non-publication request in compliance with 37 CFR 1.213(a) is made in the application) or issuance of a patent. Furthermore, the record from an abandoned application may also be available to the public if the application is referenced in a published application or an issued patent (see 37 CFR 1.14). Checks and credit card authorization forms PTO-2038 submitted for payment purposes are not retained in the application file and therefore are not publicly available.



Signature

October 26, 2007

Date

Syed Jafar Ali

Typed or printed name

58,780

Registration Number, if applicable

P.O. Box 10500

Address

703-770-7540

Telephone Number

McLean, VA 22102

Address

Enclosures: ☒ Fee Payment

☐ Reply

☐ Terminal Disclaimer Form

☐ Additional sheets containing statements establishing unintentional delay

☒ Other: Issue Fee Payment Transmittal; Submission of Formal Drawings

CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR 1.8(a)]

I hereby certify that this correspondence is being:

☐ Deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Mail Stop Petition, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450.

☐ Transmitted by facsimile on the date shown below to the United States Patent and Trademark Office at (571) 273-8300.

Date

Signature

Typed or printed name of person signing certificate



Application Serial No.: 10/670,692
Attorney Docket No.: 019287-0317335
Petition to Revive Abandoned Application

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANTS : Lawrence A. STABILE et al. CONFIRMATION No.: 7527
SERIAL NUMBER : 10/370,692 EXAMINER: Emerson C. Puente
FILING DATE : September 25, 2003 ART UNIT: 2113
FOR : NETWORK FAULT MANAGER FOR MAINTAINING ALARM CONDITIONS

**STATEMENT ACCOMPANYING PETITION TO
REVIVE ABANDONED APPLICATION**

Mail Stop Petition

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Pursuant to 37 C.F.R. § 1.137, Applicants hereby petition the Commissioner for revival of the above-identified application. Although Applicants' delay in reply was unavoidable, Applicants note that MPEP § 711.03(c) indicates that "the requirements of 37 C.F.R. § 1.137(a) are more exacting than the corresponding requirements of 37 C.F.R. § 1.137(b)," resulting in "a petition under 37 C.F.R. § 1.137(a) [being] significantly less likely to be grantable as filed than is a petition under 37 C.F.R. § 1.137(b)."

As such, solely in an effort to expedite processing of this petition, Applicants request revival of the above-identified application under 37 C.F.R. § 1.137(b). Accordingly, pursuant to MPEP § 711.03(c), this petition is accompanied by:

- (1) The required reply in the form of payment of the \$1,440.00 issue fee;
- (2) The \$1,540.00 petition fee set forth in 37 C.F.R. § 1.17(m); and
- (3) A statement that the entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 C.F.R. § 1.137(b) was unintentional.

Furthermore, because Applicants' delay in filing the required reply was also unavoidable, Applicants also provide herewith a showing that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition was unavoidable. Specifically, "where an application becomes abandoned as a consequence of a change of correspondence address . . . an adequate showing of 'unavoidable' delay will require a showing that due care was taken to adhere to the requirement of prompt notification . . . of the change of address." MPEP § 711.03(c).

At the time of Applicants' current representatives receiving possession of the file for the above-identified application, the correspondence address remained that of Applicants' previous representatives. The change in Applicants' representation resulted from a transaction in which the previous assignee, Concord Communications, Inc., transferred the entire right, title, and interest in the above-identified application to the present assignee, Computer Associates Think, Inc. Thus, Applicants' current representatives could not file a Power of Attorney and Change in Correspondence Address until assignment documents had been obtained to provide documentary evidence of the chain of title from the inventors of the above-identified application to the current assignee.

Applicants' current representatives received the assignment documents on or about February 8, 2007, and promptly recorded the assignment to the present assignee in the United States Patent and Trademark Office on March 22, 2007. The assignment was recorded at Reel 019047, Frame 0414, as evidenced by the Notice of Recordation of Assignment Document dated March 22, 2007. Furthermore, the Notice of Recordation of Assignment Document dated March 22, 2007 also indicated that the correspondence address for the above-identified application had been changed to reflect Applicants' current representation.

However, prior to the change in correspondence address being updated at the United States Patent and Trademark Office on or about March 22, 2007, Office communications had continued to be mailed to Applicants' previous representatives. As such, until the change in correspondence address had been made, Applicants' previous representatives were forwarding Office communications to Applicants' current representatives. In fact, this is how Applicants' current representatives came to have knowledge of the Restriction Requirement dated July 24,

2006, which the Office mailed to Applicants' previous representatives, and which Applicants' current representatives responded to on August 10, 2006. For reasons unknown to Applicants' current representatives, however, Applicants' current representatives did not receive a forwarded copy of either the Notice of Allowance mailed October 26, 2006, or of the Notice of Abandonment mailed February 22, 2007. Thus, Applicants' current representatives did become aware of the Notice of the Issue Fee being due, or of the Abandonment of above-identified application, until after recordation of the documentary evidence of the chain of title on March 22, 2007. As such, the due date for paying the Issue Fee (i.e., January 26, 2007) had already lapsed, and the application had already been abandoned, by the date on which the correspondence address was updated at the United States Patent and Trademark Office.

Thus, for at least the foregoing reasons, the entire delay in filing the required reply from the due date for the reply until the filing of this Petition was unavoidable.

CONCLUSION

Authorization is hereby given to charge the above-identified fees, along with any other fees as may be required, to Deposit Account No. 033975 (Ref. No. 019287-0317335).

If the personal communication will expedite prosecution of this application, the Office is invited to telephone the undersigned at the number provided.

Date: October 26, 2007

Respectfully submitted,

By:



Syed Jafar Ali
Registration No. 58,780

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